

Hanover Township Public Schools

61 Highland Avenue
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Hanover Township Board of Education's Statement Concerning Board Policy 8463 – Parental Notice Required

On September 6, 2023, the Honorable Stuart Minkowitz, A.J.S.C., heard oral argument on whether to grant an injunction that would stop the Board from implementing District Policy 8463 – Parental Notice Required, while the Board defends the Policy at the Division on Civil Rights. We write to update the community on the status of this proceeding and what to expect in the weeks to come.

Policy 8463 requires administrators and staff to notify parents when a child discloses an issue or exhibits behaviors that may have an adverse impact on his or her health, safety or well-being. This common-sense policy protects all children uniformly and in a non-discriminatory manner. It protects parents' rights to know what is going on with their children. *And*, it protects the District from liability for failing or refusing to notify parents before it's too late.

To the extent there was even a question, Policy 8463 expressly prohibits notification based solely on a child's protected class status (e.g., sexual orientation, gender identity or expression) under the New Jersey Law Against Discrimination (the "LAD"). As notification *cannot* be based solely on a child's LAD characteristics, it *must* inherently be based on something else. No amount of intellectual or linguistic gymnastics put forth by the *Attorney* General can diminish the integrity of the Policy's plain language and meaning.

The *Attorney* General argues that parental notification under Policy 8463 violates the LAD because it may incidentally result in disclosure of the minor child's protected class status or characteristics. Taking it even further, the *Attorney* General contends that administrators and staff be required to affirmatively conceal and withhold pertinent information if it could lead to such a disclosure, equating parental involvement with "harm" to the child. We vehemently reject this novel and expansive interpretation of the LAD because, among other things, it directly interferes with and undermines parents' fundamental Constitutional right to autonomy with respect to the upbringing of *their* minor children. All studies show that parents (and not the State) are best suited to advocate and provide a support system for their children.

We remain confident that the *Attorney* General has failed to meet his legal burden to show that parental notification when a child discloses an issue or exhibits behaviors that may have an adverse impact on his or her health, safety or well-being, violates the LAD and, are hopeful that Judge Minkowitz agrees and will deny the request for an injunction.

We look forward to reviewing Judge Minkowitz's Decision in the next "two to three weeks" and reporting back to you on the best path forward to ensure that school personnel notify parents when their child's health or safety is at issue; regardless of the reason.